



ITM

PATENT
ATTORNEY DOCKET NO.: 040894-7191

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Itaru HOMMA et al.) Confirmation No.: 3155
Application No.: 10/526,669) Group Art Unit: 1795
Filed: October 26, 2005) Examiner: Mark Ruthkosky

For: **CARBON FINE POWDER COATED WITH METAL OXIDE, METAL NITRIDE
OR METAL CARBIDE, PROCESS FOR PRODUCING THE SAME, AND
SUPERCAPACITOR AND SECONDARY BATTERY USING THE CARBON
FINE POWDER**

Commissioner for Patents
Alexandria, VA 22314

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement (IDS) is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicants do not believe that a fee is due for filing this paper.

The documents listed were cited in a Supplementary European Search Report dated July 2, 2008. A copy of Supplementary European Search Report is attached.

This submission does not represent that a search has been made or that no better art exists, and does not constitute an admission that any of the listed documents are material or constitute "Prior Art." If it should be determined that any of the listed documents do not constitute "Prior Art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of the document.

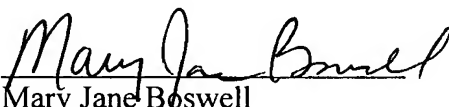
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over any of the listed documents, should the document be applied against the claims of the present application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: September 4, 2008

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